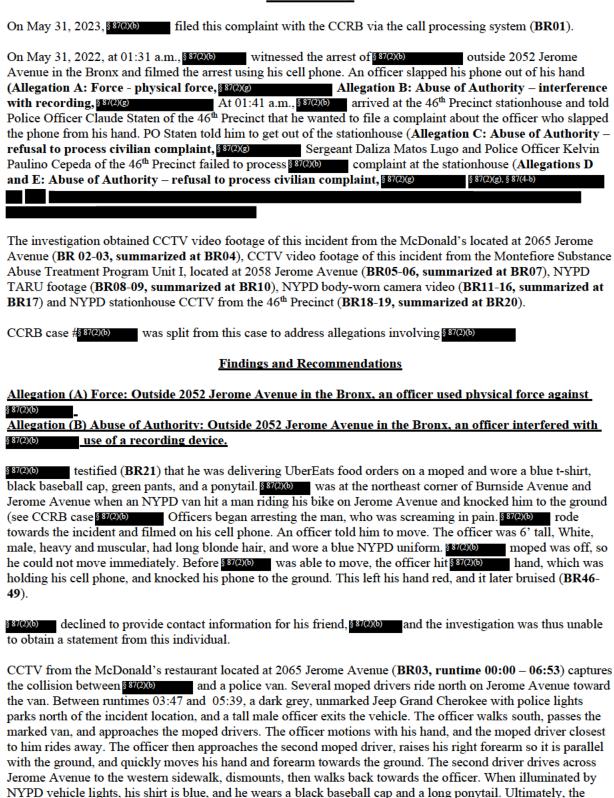
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓	Force		Discourt.		U.S.
Katherine White		Squad #13	202203515	☑	Abuse		O.L.	✓	Injury
Incident Date(s)		Location of Incident:		18 Mo. SOL		I	Precinct:		
Tuesday, 05/31/2022 1:31 AM, Tuesday, 05/31/2022 1:41 AM		Outside 2052 Jerome Avenue; 46th Precinct stationhouse		11/30/2023			46		
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Tim	ne Rec	eived at CCI	В	
Tue, 05/31/2022 3:02 AM		CCRB Call Processing System			Tue, 05/3	31/202	2 3:02 AM		
Complainant/Victim	Type	Home Addr	ess						
Witness(es)		Home Addr	ess						
								Ī	
Subject Officer(s)	Shield	TaxID	Command						
An officer									
2. PO Kelvin Paulinocepeda	07720	969279	046 PCT						
3. PO Claude Staten	05269	891057	046 PCT						
4. SGT Daliza Matoslugo	04420	948245	046 PCT						
5. SGT James Torres	01709	955587	048 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. PO James Geberth	19747	969724	046 PCT						
2. PO Michael Mccabe	31701	966698	046 PCT						
3. PO Christopher Rios	08104	968744	046 PCT						
4. PO Natalie Sanchez	06346	966327	046 PCT						
5. PO Jacob Newman	19914	933090	046 PCT						
6. PO Bryan Reyes	24712	970130	046 PCT						
7. PO Michael Phipps	23908	965415	046 PCT						
8. PO Carolyn Daley	09308	967471	046 PCT						
9. PO Josue Rodriguez	08490	964735	046 PCT						
10. PO Paul May	15781	957828	046 PCT						
11. PO Sean Massey	09984	957819	046 PCT						
12. PO Tori Faber	09654	968398	046 PCT						
13. LT Rafael Tosado	00000	937928	046 PCT						
14. PO Gladwin Sato	28937	965514	046 PCT						
15. PO Ednise Sanchezramirez	03549	967683	046 PCT						
16. PO Valon Rugova	07286	957113	046 PCT						
17. SGT Michael Mcdermott	03802	950858	046 PCT						
18. PO Alnaldo Rodriguez	27536	933934	FTS						
19. PO Carlos Nunez	06098	958996	046 PCT						
20. PO Suwatana Dunckley	11770	946963	CW TRAFF TF						
21 PO Trevis Roberts	08510	958011	HWY 01						

Witness Officer(s)	Shield No	Tax No	Cmd Name	
22. PO Nicholas Terrett	20643	964314	HWY 01	
23. PO Davit Osmanovic	18417	955283	046 PCT	
24. PO Manuel Andeliz	21379	972382	046 PCT	
25. PO Eric Bernard	19619	958308	046 PCT	
26. PO Luis Sotomayor	21209	959262	046 PCT	
27. DTS Fausto Ramirez	05515	956787	046 PCT	
28. SGT Ariel Cruz	01114	951644	046 PCT	
29. SGT Tell Beharry	00058	927910	046 PCT	
30. PO John Meging	11170	917971	046 PCT	
31. PO Philip Billik	13224	953683	046 PCT	
Officer(s)	Allegation			Investigator Recommendation
A . An officer		e 2052 Jerome A force against § 8	Avenue in the Bronx, an officer ((2)(b)	

Officer(s)	Allegation	Investigator Recommendation
A . An officer	Force: Outside 2052 Jerome Avenue in the Bronx, an officer used physical force against \$\frac{8}{87(2)(b)}\$	
B. An officer	Abuse: Outside 2052 Jerome Avenue in the Bronx, an officer interfered with § 87(2)(b) use of a recording device.	
C . PO Claude Staten	Abuse: At the 46th Precinct stationhouse, Police Officer Claude Staten did not process s87(2)(b) complaint regarding an officer.	
D . SGT Daliza Matoslugo	Abuse: At the 46th Precinct stationhouse, Lieutenant Daliza Matoslugo did not process \$87(2)(b) complaint regarding an officer.	
E . PO Kelvin Paulinocepeda	Abuse: Police Officer Kelvin Paulinocepeda did not process complaint regarding (an) officer(s).	
§ 87(2)(g), § 87(4-b)		

## Case Summary



officer gets back in his original vehicle and leaves.

Montefiore CCTV video footage (BR05-06) did not capture FADO allegations. NYPD TARU footage (BR08-09) captured alternate, yet duplicative views of the incident from the north and south. However, the camera's view is obscured by a large pole.

Police Officer Carlos Nunez of the 46<sup>th</sup> Precinct captured BWC video (**BR15**, **runtime 01:08 – 1:30**) in which approaches the incident on his moped behind another moped driver. A second male sits on the moped with him. A tall, white officer with a ponytail approaches the moped drivers from the left side of the marked NYPD van and waves at them. The first moped driver rides away. The officer gestures once at NYPD with his right hand, then throws his arm backwards near holding his phone up with his right hand, then throws his arm backwards near holding his phone is visible flying across the bottom of screen (**BR51**). None of this officer's identifying features are visible in this video.

Police Officer Valon Rugova of the 46<sup>th</sup> Precinct captured BWC video (**BR16**, **runtime 02:26-02:40**) in which the subject officer is seen wearing a short-sleeved blue uniform and blue pants, a nameplate, shield, and several "ribbon" badges. The officer's shield looks like an NYPD Detective shield. The officer does not appear to be equipped with a BWC. The officer's shoulder patch is different from those of the other NYPD officers on scene. Its central shield has a dark background, and its inner shield has a different symbol than the standard inner shield on an NYPD shoulder patch (**BR22**).

None of the BWC footage received was filmed by the subject officer (BR17).

Per EVENT (BR24), officers from the 46<sup>th</sup> Precinct responded to this incident. Per BWC footage paperwork (BR24), officers from Highway Unit 1, the Citywide Traffic Task Force, and the 46<sup>th</sup> Precinct responded to this incident. The investigation initially attempted to identify the subject officer by executing an MOS search for White male officers with long hair from the 46<sup>th</sup> Precinct, the Citywide Traffic Task Force, Highway Unit 1, and the Firearms and Tactics Section. Firearms and Tactics section was included as this incident involved a gun. Police Officer David Wheeler, of Firearms and Tactics Section, was the only officer from these commands who fit the description. PO Wheeler testified (BR25) that he was not working at the date and time of this incident, and only does firearms training at the Rodman's Neck facility. His memo book reported no activities on May 31, 2022 (BR26).

The investigation also attempted to identify the officer by requesting documents from commands in which detectives might drive unmarked vehicles while dressed in uniform. Patrol Borough Bronx Public Safety responded by stating that all PBBX Public Safety officers had regular days off during this incident. PBBX Public Safety was provided a screenshot of the subject officer and stated that the officer has not been, and is not currently, assigned to the command (BR33). Sergeant Mohammed Khan of Legal Bureau stated that Criminal Intelligence Section, Bronx Narcotics, and the 46<sup>th</sup> Precinct Detective Squad do not work in uniforms (BR34).

PO McDermott's BWC video (**BR14**, **runtime 02:12-02:24**) captures the subject officer briefly standing next to Sergeant James Torres of the 48<sup>th</sup> Precinct. Sgt. Torres testified (**BR35**) that he could not identify the subject officer. He did not recall having any conversations or interactions with the officer. Sgt. Torres did not learn that officer was an NYPD member of service, but likely assumed this per his uniform and shield. Sgt. Torres

reviewed screenshots of the officer's shoulder patch and could not definitively identify it but noted that it did not look like a standard or specialty unit NYPD patch. Sgt. Torres noted that this patch might belong to a different law enforcement agency or a private security firm. Sgt. Torres did not remember officers from other agencies arriving but noted that this was possible. NYPD Legal Bureau was unable to identify which unit uses this patch (BR36).

Allegation (C) Abuse of Authority: At the 46<sup>th</sup> Precinct stationhouse, Police Officer Claude Staten did not process \$87(2)(b) complaint regarding an officer. Allegation (D) Abuse of Authority: At the 46<sup>th</sup> Precinct stationhouse, Sergeant Daliza Matoslugo did not process § 87(2)(b) complaint regarding an officer. Allegation (E) Abuse of Authority: At the 46<sup>th</sup> Precinct stationhouse, Police Officer Kelvin Paulino Cepeda did not process \$87(2)(b) complaint regarding an officer. \$87(2)(b) testified that he and \$87(2)(b) went directly to the 46<sup>th</sup> Precinct stationhouse to make a complaint about the officer who slapped the phone from his hand. PO Staten asked what they wanted, and \$87(2)(5) said, "Quiero hacer un reporte" ("I want to make a report"). PO Staten told \$87(2)(b) and his friend in English to leave the stationhouse, and they complied. Outside the stationhouse, \$87(2)(b) told Sgt. Matos Lugo in Spanish that PO Staten made him leave the stationhouse when he tried to make a report about the officer. Sgt. Matos Lugo entered the stationhouse with \$87(2)(b) and \$87(2)(b) and argued with PO Staten in English for ten to fifteen minutes, then told 887(2)(b) "Wait here until someone takes care of you here, or call this number," and gave him the CCRB's telephone number. Sgt. Matos Lugo said, "Call this number, they have to help you. Here, the complaint is done by an officer, and they might throw it out, forget about it, and not do anything. Before you do the complaint here, call CCRB." \$87(2)(b) called the number, but the voice on the other end of the line spoke English, which he does not speak. He never received a complaint form. PO Kelvin Paulino Cepeda of the 46th Precinct gave \$37(2)(6) a second CCRB number, "In case you can't communicate with the other one." PO Paulino Cepeda told \$87(2)(b) "They're not going to do the complaint here, call here," and gave him the CCRB's Spanish phone number. §87(2)(b) filed this complaint in Spanish via the CCRB's call processing system at 3:02 a.m. on May 31, 2022 (BR01). There is no record of \$87(2)(b) having completed a civilian complaint form (BR45). 46<sup>th</sup> Precinct stationhouse CCTV footage (**BR19**, runtime 01:07-54:55) captures \$87(2)(b) and \$87(2)(b) enter the vestibule while \$87(2)(b) s arrest is being processed at the front desk. From 01:07 to 01:51, PO Staten gets up, speaks to them, and then waves his hand and nods his head towards the door. They exit the stationhouse without ever entering further than the vestibule. At 20:52, they re-enter the stationhouse with Sgt. Matos Lugo, who speaks with PO Staten, moves off screen, then returns and gives \$87(2)(b) a white paper in the front vestibule. \$37(2)(6) appears to make a phone call but cannot be heard in the footage due to the lack of audio. At 50:10, PO Paulino Cepeda approaches \$87(2)(b) and \$87(2)(b) then exits the vestibule holding a white paper. PO Paulino Cepeda briefly talks to an officer at the desk and writes something on the paper, then gives the paper back to \$87(2)(b) who then exits with \$87(2)(b) without speaking to any other officers or filling out any paperwork. Police Officer Carolyn Daley of the 46th Precinct captured BWC footage of this incident (BR13, runtime 09:45-10:30). As PO Daley processes \$87(2)(b) arrest at the main desk, \$87(2)(b) enters the stationhouse in the background. PO Claude Staten sits at a nearby desk. A loud conversation is audible, but unintelligible due to background noise. PO Staten gets up and approaches \$87(2)(6) and \$87(2)(6) He speaks to them briefly, but this conversation is unintelligible due to background noise. At runtime 10:06, PO Staten says, "Salida" ("way out" or "exit" in Spanish) multiple times, and \$87(2)(6) and \$87(2)(6) leave.

PO Staten testified (**BR37**) that he was working as stationhouse security and has a functional knowledge of Spanish, which he uses daily on the job, but is not an authorized NYPD interpreter. Initially, PO Staten testified that he spoke in Spanish with two Hispanic males, who reported that officers had mistreated them during an incident. PO Staten believed that they wanted to make a complaint, but was unsure, and relayed their information

to the desk officer. PO Staten reviewed stationhouse footage (**BR19**, **runtime 01:04-01:39**), which refreshed his memory. PO Staten testified at this point that the two men arrived to inquire about someone who had witnessed being arrested on firearms charges. PO Staten only remembered that they asked for someone by name. The men did not tell him that they wanted to make a complaint. PO Staten did not remember if this initial interaction was in English or Spanish but remembered speaking Spanish to them at some point. PO Staten told the men that they had to wait outside while the arrest was being processed due to security concerns because the arrest involved firearms. Shortly after, Sgt. Matos Lugo entered the stationhouse with the men, told PO Staten, "You don't speak Spanish," and instructed him not to speak Spanish with anyone. PO Staten never told the men to leave the stationhouse or go home. PO Staten did not give the men a complaint form and did not know if they were ever able to submit a complaint form. PO Staten never told anyone that they could not file a civilian complaint at the stationhouse. Sgt. Matos Lugo told PO Staten that PO Paulino Cepeda was the only officer authorized to speak Spanish. The investigation presented a still image of stationhouse footage capturing the interior of the 46<sup>th</sup> Precinct at runtime 50:07, and PO Staten identified the officer in the still as PO Paulino Cepeda.

Sgt. Matos Lugo testified (**BR44**) that she was working as the Administrative Sergeant. Sqt. Matos Lugo did not remember if Sqt. Matos Lugo was not responsible for processing this complaint. Sgt. Matos Lugo told the stationhouse security officer and desk sergeant that someone wanted to make a complaint, told Sqt. that someone would help him, then left the stationhouse. Sgt. Matos Lugo did not believe she had an argument with PO Staten regarding his interaction with Sqt. Matos Lugo did not remember telling Sqt. Wait here until someone takes care of you here, or call this number," then giving him the CCRB's phone number. Sgt. Matos Lugo did not remember telling Sqt. Matos Lugo did not remember to make the complaint with CCRB because the officers might not help him. Sgt. Matos Lugo did not remember if she gave Sqt. Matos Lugo did not believe she did so. Sgt. Matos Lugo did not know if Sqt. Matos Lugo reviewed a complaint form, or if his complaint was ultimately processed at the stationhouse. Sgt. Matos Lugo reviewed stationhouse CCTV video (**BR19**, **runtime 20:45-29:53**), which captures her handing a paper to Sqt. Which did not refresh her recollection in any way. She did not remember what was on the paper.

PO Paulino Cepeda testified (BR43) that he did not recall this incident. He did not recall hearing Sgt. Matos Lugo tell \$87(2)(6) to call the CCRB because the officers at the stationhouse may not assist him. PO Paulino Cepeda did not recall \$87(2)(b) receiving a complaint form or giving \$87(2)(b) a complaint form himself. He did not remember giving \$87(2)(b) the CCRB's telephone number. PO Paulino Cepeda reviewed CCTV of the stationhouse's desk area (BR19) from 51:20 to 52:18, which captures PO Paulino Cepeda speaking to \$87(2)(5) and \$87(2)(b) in the vestibule, exit the vestibule with their paper, walk to the desk, write something on the paper, and return to the vestibule. PO Paulino Cepeda stated that the video captures him approaching and standing at the Telephone Switchboard desk, behind which is a CCRB poster is usually posted. He could not remember if he wrote the CCRB's phone number on the paper, but he noted that this was possible. PO Paulino Cepeda initially stated that the paper was not a complaint form, but later said he did not know what kind of paper it was and noted that it looks like a blank sheet of paper. PO Paulino Cepeda did not know what a civilian complaint form looks like because he has never seen a civilian complaint form. In the past, when people have asked for the CCRB phone number, PO Paulino Cepeda would direct them to the poster, and they take a picture of it or write down the number. PO Paulino Cepeda did not refuse to process a civilian complaint, and he did not observe PO Staten or Sgt. Matos Lugo refusing to process a civilian complaint. PO Paulino Cepeda did not recall telling \$87(2)(b) that officers would refuse to process his complaint at the stationhouse. He did not remember anything he said to § 87(2)(b)

Complaints against uniformed members of the service may be made at any patrol precinct, police service area, transit district, traffic unit, the Internal Affairs Bureau, or any other office of the Department, including the Office of the Police Commissioner or office of a deputy commissioner. An officer must give the complainant a Civilian Complaint Report to be prepared in the civilian's own handwriting and furnish assistance as needed. Patrol Guide Procedure 207-31 (BR41).

testified that he told PO Staten that he wanted to make a complaint in Spanish. PO Staten testified that he speaks Spanish, and initially testified that serious wanted to make a complaint, although he later changed

his testimony after reviewing the stationhouse footage. Sgt. Matos Lugo testified that \$87(2)6) told her that he
wanted to make a complaint in Spanish. §87(2)(g)
testified that Sgt. Matos Lugo gave him the CCRB's telephone number, which he called but was greeted by an English voice. PO Paulino Cepeda then gave \$57000000000000000000000000000000000000
§ 87(2)(g), § 87(4-b)
Civilian and Officer CCRB Histories
<ul> <li>This is the first CCRB complaint to which service has been a party (BR38).</li> <li>Lt. Daliza Matos Lugo has been a member-of-service for 13 years and this is the first CCRB complaint to which she has been a subject.</li> <li>PO Claude Staten has been a member-of-service for 36 years and has been a subject in 15 CCRB complaint and 26 allegations, none of which were substantiated.</li> </ul>
• PO Kelvin Paulino Cepeda has been a member-of-service for 3 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § \$7(2)(2)
Mediation, Civil, and Criminal Histories

**CCRB Case # 202203515** 

declined to mediate this complaint.

As of June 15, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (BR39).
 [§ \$7(2)(6)][§§ \$6(1)(3)&(4)][§ \$7(2)(6)]

## RPBP History

This compla	int did not contain any alleg	gations of Racial Pr	ofiling/Bias-Based Po	licing.
Squad: 13				
	9 ANI			

Investigator:	1 440	INV Katherine White	07/07/2023
_	Signature	Print Title & Name	Date
Squad Leader:	JP Lozada	IM Jean-Paul Lozada	07/07/2023
_	Signature	Print Title & Name	Date
Reviewer:			
_	Signature	Print Title & Name	Date